

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.	09/927,914	Confirmation No. 5180
Applicant	Timothy P. Tully <i>et al.</i>	
Filed	10 August 2001	
TC/Art Unit	1617	
Examiner	Yong Soo Chong	
Docket No.	21RE-137270	
Customer No.	68850	

**APPLICANT'S REPLY TO EXAMINER'S SUMMARY OF TELEPHONIC  
INTERVIEW OF NOVEMBER 22, 2010**

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

**MAIL STOP AF**

Applicant has reviewed the Examiner's Summary, mailed 2 December 2010 ("Summary"), of the Telephonic Interview on November 22, 2010.

The Examiner provides the following description of the "Substance of the Interview."

Upon further consideration, Applicant was offered a proposal to allow the case if the subject matter was limited to the elected invention and the non-elected claims be cancelled. Applicant agreed and gave authorization to the Examiner to cancel all the claims except claims 1-2, 4-8, 107-108 in an Examiner's Amendment.

Summary at p. 1.

Applicant respectfully makes the following points in reply: First, Applicant's agreement to cancel claims 2, 9-10, 13, and 80-85 and limit the subject matter to the elected invention is solely to expedite prosecution. It is therefore without prejudice to, or disclaimer of, any claim withdrawn, cancelled, or amended for any reason. Applicant reserves the right to file divisional and continuing applications directed to the subject matter of any claim withdrawn, cancelled, or amended for any reason.

Second, Applicant respectfully asserts that allowance of the instant application has been delayed by actions by the USPTO and that Applicant has faced unnecessarily protracted prosecution despite its continued and reasonable efforts to conclude examination.

Respectfully submitted,

**/djpelto Reg. No. 33754/**

Date: January 3, 2011

---

Don J. Pelto  
Reg. No. 33,754

Sheppard Mullin Richter & Hampton LLP  
1300 I Street NW  
Eleventh Floor East  
Washington, D.C. 20005  
Tel: (202) 772-5362  
Fax: (202) 312-9415